IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINETH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

-

WRIT PETITION NO : 19853 of 2004

Between:

M/s.Kondapalli Transport Company Ltd.,

rep.by its Executive Director, Srinivas Kondapalli,
S/o.Satyanayana Rao, R/o II-X-Road,

Jawahar, Autonagar, Vijayawada.

..... PETITIONER

AND

1 The Assistant Provident Fund Commissioner, Sub-Regional office, Padmavathi Building, Laxmipuram, Guntur-552007.
2 The Branch Manager, ICICI Bank, Nilagiri complex, Bandar Road, Vijayawada.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction more particularly one in the nature of writ of Mandamus declaring that the order of the first respondent in demand notice No.AP/21195/Recovery/2004/ 249, dt. 19-05-2004 pending disposal of the appeal filed before the Employees provident Fund Appellate Tribunal, Delhi is illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner:MR.P.R.PRASAD

Counsel for the Respondent No.1: MR.R.N.REDDY, Standing Counsel for Provident Fund

Counsel for the Respondent No.2: None appeared

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioner and the Standing Counsel appearing for the first respondent. Both the counsel agreed to dispose of the writ petition at the admission stage.

It is stated that against the impugned demand notice, the petitioner has already filed an appeal before the appellate Tribunal. Since the appellate Tribunal is not functioning, the petitioner moved this Court by way of present writ petition.

Learned counsel for the petitioner submits that pursuant to the impugned demand notice, they had already deposited 50% of the due amount and since they could not obtain any stay from the appellate Tribunal, the respondents are enforcing them for payment of balance amount.

Having regard to the said fact, the writ petition is disposed of directing the petitioner to deposit 50% of the due amount within a period of six weeks from today, if not already deposited, giving due credit to the amount already deposited. On such deposit, the respondents shall not take any coercive steps against the petitioner till the appeal is disposed of. The amount so deposited shall be subject to the outcome of the appeal. No costs.

29th OCTOBER, 2004.

Note: furnish c.c. tomorrow.

B/o

kvni

To

1 The Assistant Provident Fund Commissioner, Sub-Regional office, Padmavathi Building, Laxmipuram, Guntur-552007.
2 The Branch Manager, ICICI Bank, Nilagiri complex, Bandar Road, Vijayawada.

3 Two CD copies.